

HOUSE JOURNAL

EIGHTY-EIGHTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

THIRTY-THIRD DAY — MONDAY, APRIL 3, 2023

The house met at 2:25 p.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 73).

Present — Mr. Speaker(C); Allen; Allison; Anchía; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bernal; Bhojani; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; Garcia; Gates; Gerdes; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Hull; Hunter; Isaac; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, K.; King, T.; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murr; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Patterson; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schatzline; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Tinderholt; Toth; Troxclair; Turner; VanDeaver; Vasut; Vo; Walle; Wilson; Wu; Zwiener.

Absent, Excused — Dean; Kitzman; Schaefer.

The invocation was offered by the Reverend Jakob N. Hurlimann, chaplain, as follows:

All-loving Father, you have created us out of nothing, given us the world to see you, and you hold us in existence through your loving care. Even our acts and words of praise to you are inspired from your dwelling within your children. In this most sacred time, remove every flaw from our souls that keeps us from being united to you, and grant us hearts that live for you, that love for you. May all spirits of dissension, of envy, be dispelled from this place, and your holy spirit of peace, justice, and mercy ever dwell here within the hearts of your servants as they attend to their duties of legislation. We ask this through your son, Christ Jesus, our Lord. Amen.

The chair recognized Representative J.E. Johnson who led the house in the pledges of allegiance to the United States and Texas flags.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for today because of illness:

Dean on motion of Shine.

Kitzman on motion of Gerdes.

The following member was granted leave of absence for today because of important business in the district:

Schaefer on motion of Metcalf.

MESSAGES FROM THE SENATE

Messages from the senate were received at this time (see the addendum to the daily journal, Messages from the Senate, Message Nos. 1 and 2).

CAPITOL PHYSICIAN

The chair presented Dr. Pamela Chung of Richmond as the "Doctor for the Day."

The house welcomed Dr. Chung and thanked her for her participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

BILLS AND JOINT RESOLUTIONS ON FIRST READING AND REFERRAL TO COMMITTEES

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

HR 424 - INTRODUCTION OF GUESTS

The chair recognized Representative Kuempel who introduced coaches and members of The University of Texas at Austin women's volleyball team.

HR 889 - ADOPTED (by Spiller)

Representative Spiller moved to suspend all necessary rules to take up and consider at this time **HR 889**.

The motion prevailed.

The following resolution was laid before the house:

HR 889, Commending the Youth Lead program in Graham.

HR 889 was adopted.

HR 897 - ADOPTED (by Thierry)

Representative Thierry moved to suspend all necessary rules to take up and consider at this time **HR 897**.

The motion prevailed.

The following resolution was laid before the house:

HR 897, In memory of former Houston City Council member Ada Jean Edwards.

HR 897 was unanimously adopted by a rising vote.

On motion of Representative Reynolds, the names of all the members of the house were added to **HR 897** as signers thereof.

FIVE-DAY POSTING RULE SUSPENDED

Representative Moody moved to suspend the five-day posting rule to allow the Committee on Criminal Jurisprudence to consider **HB 844** at 10:30 a.m. or upon final adjournment or recess or during bill referral, if permission is granted, tomorrow in E2.016.

The motion prevailed.

GENERAL STATE CALENDAR HOUSE BILLS SECOND READING

The following bills were laid before the house and read second time:

HB 1058 ON SECOND READING (by Goldman)

HB 1058, A bill to be entitled An Act relating to a franchise or insurance premium tax credit for certain housing developments.

Amendment No. 1

Representative Goldman offered the following amendment to **HB 1058**:

Amend **HB 1058** (house committee report) as follows:

(1) On page 2, line 10, following the underlined semicolon, strike "and".

(2) On page 2, between lines 10 and 11, insert the following:

(B) meets all applicable requirements of the qualified allocation plan, as defined by Section 2306.6702, Government Code; and

(3) On page 2, line 11, strike "(B)" and substitute "(C)".

(4) Strike page 6, line 27, through page 7, line 2, and substitute the following:

Sec. 171.563. INCLUSION OF INFORMATION IN LOW INCOME HOUSING PLAN. The department shall include in the low income housing plan under Section 2306.0721, Government Code, information relating to the performance of the credit during the previous calendar year. The information must:

(5) Strike page 7, lines 23 and 24.

(6) On page 7, between lines 24 and 25, insert the following:

Sec. 171.564. EXPIRATION OF SUBCHAPTER. This subchapter expires December 31, 2035.

(7) On page 9, between lines 14 and 15, insert the following:

SUBCHAPTER C. EXPIRATION OF CHAPTER

Sec. 233.0101. EXPIRATION OF CHAPTER. This chapter expires December 31, 2035.

(8) Strike page 9, lines 19 through 21, and substitute the following:

(b) Except as provided by Subsections (d) and (e) of this section, Subchapter K, Chapter 171, Tax Code, as added by this Act, and Chapter 233, Insurance Code, as added by this Act, apply only to a tax report originally due on or after January 1, 2026, and before January 1, 2036.

(9) On page 9, between lines 24 and 25, insert the following:

(d) The expiration of Subchapter K, Chapter 171, Tax Code, as added by this Act, in accordance with Section 171.564, Tax Code, as added by this Act, does not affect the carryforward of a credit under Section 171.557, Tax Code, as added by this Act.

(e) The expiration of Chapter 233, Insurance Code, as added by this Act, in accordance with Section 233.0101, Insurance Code, as added by this Act, does not affect the carryforward of a credit under Section 233.0052(c), Insurance Code, as added by this Act.

Amendment No. 1 was adopted.

HB 1058, as amended, was passed to engrossment.

HB 1964 ON SECOND READING
(by Hernandez and Cain)

HB 1964, A bill to be entitled An Act relating to the release of a motor vehicle accident report to an employee or authorized representative of a vehicle storage facility.

HB 1964 was passed to engrossment.

HB 617 ON SECOND READING
(by Darby and Guerra)

HB 617, A bill to be entitled An Act relating to a pilot project to provide emergency telemedicine medical services and telehealth services in rural areas.

HB 617 was passed to engrossment.

HB 49 ON SECOND READING
(by Klick)

HB 49, A bill to be entitled An Act relating to public access to certain hospital investigation information and materials.

HB 49 was passed to engrossment.

HB 140 ON SECOND READING
(by M. González, Frank, Lozano, Noble, and C.E. Harris)

HB 140, A bill to be entitled An Act relating to the provision of certain co-navigation services to individuals who are deaf-blind.

HB 140 was passed to engrossment.

HB 336 ON SECOND READING
(by Toth and Noble)

HB 336, A bill to be entitled An Act relating to notice regarding certain benefits for which a representative payee or fiduciary has been appointed for a child in the conservatorship of the Department of Family and Protective Services.

HB 336 was passed to engrossment.

CSHB 1599 ON SECOND READING
(by Bucy, Harless, Oliverson, Jetton, et al.)

CSHB 1599, A bill to be entitled An Act relating to implementation of an express lane option for determining eligibility and enrolling certain individuals in Medicaid or the child health plan program.

CSHB 1599 was passed to engrossment.

FIVE-DAY POSTING RULE SUSPENDED

Representative Oliverson moved to suspend the five-day posting rule to allow the Committee on Insurance to consider **HB 118**, **HB 597**, and **HB 1649** at 8 a.m. tomorrow in E2.014.

The motion prevailed.

ADJOURNMENT

Representative Metcalf moved that the house adjourn until 10 a.m. tomorrow.

The motion prevailed.

The house accordingly, at 2:55 p.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

SB 58 to Business and Industry.

SB 61 to Ways and Means.

SB 65 to Ways and Means.

SB 159 to Licensing and Administrative Procedures.

SB 240 to Public Health.

SB 271 to State Affairs.

SB 371 to Higher Education.

SB 372 to Judiciary and Civil Jurisprudence.

SB 380 to Judiciary and Civil Jurisprudence.

SB 415 to Public Health.

SB 497 to Public Health.

SB 505 to Transportation.

SB 559 to Judiciary and Civil Jurisprudence.

SB 578 to Juvenile Justice and Family Issues.

SB 643 to Licensing and Administrative Procedures.

SB 780 to Human Services.

SB 921 to Elections.

SB 1001 to Licensing and Administrative Procedures.

SB 1151 to Criminal Jurisprudence.

SB 1300 to Judiciary and Civil Jurisprudence.

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 1

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Monday, April 3, 2023

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 25 Kolkhorst

Relating to support for nursing-related postsecondary education, including scholarships to nursing students, loan repayment assistance to nurses and nursing faculty, and grants to nursing education programs.

SB 796 Middleton

Relating to arbitration provisions in surplus lines insurance contracts.

SB 895 Johnson

Relating to the regulation of money services businesses; creating a criminal offense; creating administrative penalties; authorizing the imposition of a fee.

SB 936

Hancock

Relating to certain agreements with collective bargaining organizations related to certain publicly funded public work contracts.

SB 1045

Huffman

Relating to the creation of the Fifteenth Court of Appeals with jurisdiction over certain civil cases, the compensation of the justices of that court, and the jurisdiction of the courts of appeals in this state.

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Monday, April 3, 2023 - 2

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

LOCAL AND UNCONTESTED CALENDAR

SB 37

Zaffirini

Relating to the criminal offense of hazing.

SB 48

Zaffirini

Relating to standardized forms and materials for the issuance of protective orders, magistrate's orders for emergency protection, and temporary ex parte orders.

SB 182

Miles

Relating to the required report of criminal offenses committed against individuals receiving certain state agency services; creating a criminal offense.

SB 247

Alvarado

Relating to specialty license plates issued for honorary consuls.

SB 276

Huffman

Relating to certificates of title for certain outboard motors.

SB 281

Zaffirini

Relating to the designation of state musicians for classical and nonclassical genres.

SB 315

Hall

Relating to the definition of telephone call for purposes of regulating telephone solicitations.

SB 323 Huffman

Relating to the enforcement of commercial motor vehicle safety standards in certain counties.

SB 401 Kolkhorst

Relating to prices charged by a medical staffing services agency during certain designated public health disaster periods; providing a civil penalty.

SB 464 Parker

Relating to designating October 17 as Entrepreneurs with Disabilities Day.

SB 478 Zaffirini

Relating to the administration of the motorcycle operator training and safety program and requirements for the issuance of certain driver's licenses and commercial driver's licenses; requiring an occupational license; authorizing a fee.

SB 498 Johnson

Relating to the operation of statewide technology centers.

SB 507 Perry

Relating to the designation of a portion of U.S. Highway 87 in Concho County as the Deputy Samuel Leonard Memorial Highway.

SB 508 Perry

Relating to the designation of the portion of Farm-to-Market Road 765 in Concho County as the Sergeant Stephen Jones Memorial Highway.

SB 538 King

Relating to the use of appropriated money by the Texas State Guard for recruiting and retention purposes.

SB 545 Kolkhorst

Relating to death records maintained and provided by the vital statistics unit of the Department of State Health Services.

SB 617 Blanco

Relating to the confidentiality of certain home address information in ad valorem tax appraisal records.

SB 658 Perry

Relating to the disposition of money from certain attorney accounts delivered to the comptroller as unclaimed property.

SB 691 Kolkhorst

Relating to an animal share exemption for certain meat and meat food products; providing a civil penalty.

SB 729 Huffman

Relating to the cash balance benefit under the Employees Retirement System of Texas.

SB 739 Johnson

Relating to designating October 10 as Supportive Palliative Care Awareness Day.

SB 745 Kolkhorst

Relating to fraud prevention under certain health care programs.

SB 768 Parker

Relating to the process for notifying the attorney general of a breach of security of computerized data by persons doing business in this state.

SB 818 Alvarado

Relating to the disposition of real property interests by navigation districts and port authorities.

SB 870 West

Relating to certain Title IV-D cases and other cases with respect to child support or Title IV-D agency services and to practices and procedures for the operation of the Title IV-D agency.

SB 944 Kolkhorst

Relating to the commitment order for individuals with intellectual disabilities who are committed to state supported living centers.

SB 987 Kolkhorst

Relating to the reporting of certain information regarding the payment of state money to certain vendors and counties.

SB 1016 King

Relating to the consideration of employee compensation and benefits in establishing the rates of electric utilities.

SB 1021 Nichols

Relating to the handling of bids on certain contracts for highway projects.

SB 1023 Nichols

Relating to the establishment and posting of the maximum loads permitted on certain bridges.

SB 1052 Springer

Relating to the compensation of an election judge or clerk.

SB 1115 Hancock

Relating to the titling, registration, and operation of an autocycle.

SB 1136 Schwertner

Relating to the administration of county roads in certain counties.

SB 1259 Creighton

Relating to the maximum judgment amount awarded by a justice court in certain civil cases regarding the repair of residential rental property.

SB 1372 Perry

Relating to costs associated with the destruction of certain deer.

SB 1421 Perry

Relating to the effect of nuisance actions, other actions, and governmental requirements on certain agricultural operations.

SB 1499 Nichols

Relating to the funding of certain port projects.

SB 1500 Nichols

Relating to powers and duties of navigation districts and the boards of trustees of municipal port facilities.

SB 1523 Blanco

Relating to the dismissal of a baseless or unfounded complaint filed with the State Board of Veterinary Medical Examiners.

SCR 7 Hinojosa

Authorizing the burial of Patrick John Nugent in the State Cemetery.

SCR 8 Parker

Designating June 2 as Italian Heritage Day for a 10-year period beginning in 2023.

SCR 9 Springer

Designating the first full week in April as Gifted and Talented Students Week for a 10-year period ending in 2033.

SCR 16 Parker

Designating November as Ukrainian Genocide Remembrance Month for a 10-year period beginning in 2023.

SCR 22 Hall

Authorizing the creation and appointment of joint legislative study committees by the lieutenant governor and speaker of the House of Representatives.

SCR 28 Huffman

Urging Congress to repeal the Government Pension Offset and the Windfall Elimination Provision of the Social Security Act.

SCR 31 Parker

Designating an area in Dallas as Koreatown Dallas for a 10-year period ending in 2033.

Respectfully,

Patsy Spaw

Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

March 30

Business and Industry - **HB 697, HB 1558**

County Affairs - **HB 424, HB 492, HB 784, HB 879, HB 1382, HB 1621, HB 1925**

Human Services - **HB 1085, HB 1990**

Insurance - **HB 290, HB 1706**

Pensions, Investments, and Financial Services - **HB 219, HB 264, HB 1038, HB 1393, HB 1455, HB 1666, HB 1748, HCR 20, HJR 20**

Public Health - **HB 299, HB 576, HB 1106, HB 1488, HB 1890, HB 2767**

Youth Health and Safety, Select - **HB 1504**

March 31

Business and Industry - **HB 614**

Criminal Jurisprudence - **HB 467, HB 914, HB 1589, HB 1907, HB 1910**

Higher Education - **HB 15, HJR 135**

Human Services - **HB 1517, HB 2243**

State Affairs - **HB 96, HB 712, HB 1422, HB 1580, HB 2309, HB 2663, HB 2664, HB 2713, HB 3013**

Ways and Means - **HB 2249, HB 2354, HB 2674, HB 2763**

ENGROSSED

March 30 - HB 28, HB 584, HB 624

